

The State vs. Carpender and Stevens.

JANE GIBSON'S STORY

P. 45 et. seq.

Jane Gibson's story may be summarized as follows:

She lived on Hamilton Road about three miles from New Brunswick on what is known as the Gibson farm, and is, she says, about two and a half miles from the Phillips farm (in fact about two miles). She remembered "that Thursday night" because it was the night her mother moved from Bayonne to New Brunswick.

Jane had a sixty-one-acre farm on which she raised oats, corn, rye, wheat, hogs, and chickens. She had been robbed on the preceding Sunday night, and so tied her dog to a tree halfway between Hamilton Road and her house. The dog barked and she went out, but she does not remember the time. She heard nothing, went back to her swing, and the bus from New Brunswick to Millstone went by. Then she heard a noisy, rickety wagon with rattling wheels coming from Millstone, which went on until it stopped right near her corn field, about the middle of it (she must mean the wagon stopped on Hamilton Road opposite the corn field).

She then decided it might be the man who robbed her before, ran to her barn, saddled her unshod mule, and rode out to Hamilton Road, turning towards New Brunswick on Hamilton Road.

When she got within thirty to fifty feet the wagon started and she kept behind, following. She followed about a half a mile on Hamilton Road before the wagon turned into DeRussey Lane. She followed it into DeRussey Lane.

Her mule brayed and she was a little worried because she did not know who might be in the wagon and stayed well behind. She kept on going until she got within about

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fifty feet of Easton Avenue, still in the lane. She still heard the rattle of the wagon's wheels.

After the wagon turned out of the lane an automobile came in. By its lights it came from New Brunswick. Mrs. Gibson thought the car was coming through and went to the side of the road and waited. However, the car backed out and she saw a man and a woman between her and Easton Avenue to the right of where she was, about thirty or forty feet from the automobile. The man and woman were waiting for a car to come through the lane just as she was, and stood side by side facing the lane.

The car backed out and went away and Jane went on to Easton Avenue and stood still for a few minutes listening. She thought maybe she could hear the rattling of the wagon wheels. (She must have passed right by the man and woman but does not mention it.) She was still on the mule, looked around, and saw a small car like a Ford sedan standing over across the road on the corner of Easton Avenue facing Bound Brook. She could not tell anything about the car except it was a small sedan. (Simpson tried to make her say it was a Dodge.)

Jane then turned back into the lane intending to go home, but got it in her head that "this man was someone that lived in the colony in back; there was an Italian settlement back in through there and I thought because he had come on through past my place, he came through all this DeRussey's Lane back in there again, and I thought perhaps he would comeback in the lane again, and I decided then that I would watch and wait."

On account of Jenny's braying Jane thought she had

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better tie the mule, so she went into the Phillips farm parallel with Phillips Lane to a point back of the farm and tied the mule to some little cedars. Then she started back on foot to DeRussey Lane "to stand and watch until whoever it was would come back," but after she had gone thirty feet or forty feet from where she tied the mule and got near the big cedar tree, she heard a quarrel and voices, mumbling like a quarrel, mumbling, men and women; at first loud voices, and somebody much excited said something about letters.

Simpson asked, "Was it, 'Explain these letters,' or---," and Mrs. Gibson answered, "Something like that."

She was ten or fifteen feet from the voices, and as it was dark, had not seen anyone. She stood still. There was more mumbling. The voices seemed to get nearer and she saw a pocket flashlight flashing around. She saw something glitter, and a man's face, and then stepped down and identified Harry Carpender.

The glitter was in Harry Carpender's hand, and right quick, having seen noone but Harry Carpender, she heard a shot. She saw noone else. It was dark. Hearing the shot she ran for the mule, and as she was counting the mule heard three other shots (she must have run at least forty feet between the first shot and the first of the last three shots).

She ran right home on the mule. On dismounting she got her foot wet and found she had lost a moccasin. She went in the house and stayed a little while and decided to go back. "I had the wagon in mind, and the corn," (apparently not the moccasin).

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Simpson asked what she did and she said she went over to where she had the mule tied, thinking she might have lost the moccasin there because she stumbled over the stump, but did not find it. While there she heard someone crying. She tied the mule again and walked back to see what she could see, returning to the place where she first stood on her previous trip. She looked through the bushes and saw a woman kneeling or stooping--she could not tell which--and also crying. The woman was crying. She did not watch long.

The moon was very bright and she has since identified the woman as Mrs. Hall. With no previous mention of anything Simpson said, "You could not see that these two things in front of her were bodies?" She said, "No," and being asked if what she saw in front of her looked like shadows of trees she said she thought they were shadows of trees. The woman was dressed in a tan coat and had no hat and had white hair, the coat being a long coat. No trouble discerning Mrs. Hall's features.

She went to the Pennsylvania Station with Mr. David, stood at the window, saw a crowd of men standing talking together, looked around, and saw Harry Carpender.

The woman she saw crying was the same woman she saw in the lane with the man she thought was a colored man, a heavy, thick-set man with a moustache. At the time of the crying she did not bother the woman because she thought it was a white woman with a colored man and that something happened to her that ought not to have happened, and she went about her business. She did not feel sorry for her.

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She said it served her right to be there with that man.

(When Mrs. Gibson saw the white women and the colored men in the lane by the automobile light, the difference in color apparently made no impression upon her.)

The foregoing is the direct. On cross Mrs. Gibson repeated that her mother had moved from Bayonne on the night in question; said it was about two and a half miles from her house to the farm; that she had to govern her speed by the speed of the wagon. On the first trip it was dark. The man and the woman in the lane did not move when the light struck them. She did not connect the shots with a possible murder. She heard something about letters. She could not say what it was.

She left home the second time to get her moccasin, that she might catch the thief. She said that she identified Mrs. Hall in the prosecutor's office; that there were several people in the room when she identified Mrs. Hall; that she believed Mrs. Hall had been asked to put on a coat by the prosecutor.

Mrs. Hall was the only woman in the room other than herself; and she did not go to the prosecutor's office to identify the woman but to make the complaint that she had lost corn; she thought it might have been two weeks or three weeks, something like that, between September 14 and the Mrs. Hall identification. She read of the murders on Sunday, September 17, but what she had seen on Thursday night did not occur to her because she was not acquainted with the neighborhood and had never been down there before and did not know where she was at the time of the murders. Then she said she knew where she was but did not know who

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owned the property, who lived on it, or anything else; that Thursday, September 14, was the first night expedition she had ever made on a mule; that she did not know, when on the stand, who Mr. Stevens was except that he was the man who was in the lane and had never seen Mr. Stevens before; that when the first shot was fired she heard one woman scream and the other say, "Oh, Henry"; that the three shots followed the first shot almost right-away; that she did not hear anything after the three shots and did not stop but just ran; that she ran because she heard the shots because she did not want to get mixed up in anything; that nobody ever reported her gun shots and therefore she did not report the one she heard; that she never thought of a murder; that she went to the prosecutor's office to complain about the corn stealing; that she did not go to the prosecutor's office with any thought about what she saw on Thursday evening, September 14, that she had never been there before; that she did not know she had been anywhere near the vicinity of the murders, she had no conception of where she was, only followed the wagon; that late at night the moon was shining bright; that she did not know who owned the farm, who was there, "what part of the country it was"; she just knew she was there and followed somebody. She did not remember whether a newspaper man went to see her before she went to the prosecutor's office; that she saw Harry Carpender only by the flashlight, and she saw Mr. Carpender inside the station talking to some other men; that she took her time in picking him out and looked at every one, and saw the same face as she saw that time (the night of the murder); that she was not in doubt as to who he was; that Mr. Carpender's face

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was not the last one she looked at; that she was not near Mr. David when she made the Carpender identification; and that Mr. David said nothing to her before Mr. Carpender came to the station.

Mrs. Gibson did not look at her time piece at any time on the night of the murders. Her moccasin was found by someone else. She knew she left her home before nine o'clock because the bus from Millstone to New Brunswick passed her farm anywhere from twenty-five minutes to nine to ten minutes or nine, quarter to nine, and she knew they always came by before nine o'clock. She left her home directly after the bus passed. She might have told the authorities four years ago that it was about 1:30 when she saw Mrs. Hall crying, but she was not sure, and now does not remember the time. Her maiden name was Leitner and she had been told she was born in Kentucky.

On redirect examination she repeated that she went to the prosecutor's office to make a complaint about corn she had lost, and saw Mrs. Hall talking to some men she saw there. She did not make a statement until she found a boy was accused of the murders.

She found a boy was accused but knew there was a man had a gun in his hand. "Question: You went to tell that to the police? Answer: Yes, sir."

Notes:

The distance from Mrs. Gibson's house to Easton Avenue

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via Hamilton Street and DeRussey Lane, and from Easton Avenue back to the spot where she tied her mule, could not be more than two and a quarter miles, and probably is closer to two miles. She insists she left her house right after the bus went by and that the bus must have gone by before nine o'clock. She made no stops that were more than momentary, and even walking her mule, must have made her entire journey in an hour.

The Italian settlement is at least halfway towards Hamilton Road, Avenue, or Street from Easton Avenue, and on the Bound Brook side of DeRussey Lane. While she says that she started to walk back to the lane to see if the wagon would come back, there was absolutely no reason for tying her mule where she did. She could have tied it at any place on either side of the lane and could have gone much farther towards her home before she turned off the lane.

She was crediting the thieves with much deceptive ability when she followed them all the way to Easton Avenue, probably a mile beyond the Italian settlement and thought that they might be going down Easton Avenue towards New Brunswick only to turn about and come back up the lane to the Italian settlement.

On direct examination she covered the thirty or forty feet back to her mule before the three shots were fired; on her cross they were fired right-away. She ran her mule home in fright of the shots, but was willing immediately to come back to look for her moccasin. However, on her direct she did not mention going back for the moccasin but

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said she had the wagon in mind, and the corn. When asked what did she do after she had found she lost the moccasin she said she went into the house and stayed a little while. Of course as soon as she got back to the scene she started looking for the moccasin.

The record seems to be indefinite as to whether the moccasin put in evidence was the lost moccasin or the one not lost. In any event she did not find it. So apparently, from the record, someone unnamed did.

She said at least three times that the day she identified Mrs. Hall she went to the prosecutor's office to complain about a corn theft, and Simpson on redirect made her say that she did not make a statement until she found that a boy was accused of the crime, and that she had seen a man with a gun in his hand. She went to tell that to the police.

Although she had lived on her farm for at least ten years prior to the crime, she did not know what part of the country she was in, that it was the first night expedition she had ever made on a mule.

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MRS. GIBSON

Corn thief in noisy, rickety wagon. First story--  
went to prosecutor's office to report theft of corn.

Second story--went to prosecutor's office to tell murder  
story because Hayes had been arrested.

Says Harry Carpender held flashlight in his own hand.  
Does not mention Erling episode. Says she ran all the way  
home on mule.

Did not tell story to prosecutor for whole month after  
crime.

Says she did not connect up scene of incidents on Sep-  
tember 14 with murder she read about on September 17--did  
not know where she was that night, but note that she was  
able to return to the exact spot to get her lost moccasin.

Never before but on mule at night; nevertheless she  
went out a second time this night after her terrible expe-  
rience merely to find her lost moccasin (or to look again for  
thieves).

Conversation of Mrs. Gibson